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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,309	12/12/2001	Ronald P. Sansone	F-431	5556

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EXAMINER

BADII, BEHRANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,309

Applicant(s)

SANSONE, RONALD P.

Examiner

Behrang Badii

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-24 have been examined.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 17-20, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Alden, U.S. patent application publication 2003/0072469.

As per claim 1, Alden discloses a mail monitoring system, said system comprises:

a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail (paragraph 7, Fig's. 3-9);

a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle (paragraph 7, Fig's. 3-9); and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail (paragraph 7, Fig's. 3-9).

As per claim 2, Alden discloses a scanner that reads the postal indicia (paragraph 7, Fig's. 3-9).

As per claim 3, Alden discloses the scanner capturing and interpreting the information contained in the postal indicia (paragraph 7, Fig's. 3-9).

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As per claim 4, Alden discloses wherein the scanner is located in a control chamber (paragraph 7, Fig's. 3-9).

As per claim 5, Alden discloses wherein the control chamber has a locked door for isolating suspect mail (paragraph 7, Fig's. 3-9).

As per claim 6, Alden discloses an inner chamber that receives mail from the control chamber that is not suspected of having life harming material (paragraph 7, Fig's. 3-9).

As per claim 7, Alden discloses wherein the inner chamber has a locked door in which when open mail may be removed from the inner chamber (paragraph 7, Fig's. 3-9).

As per claim 8, Alden discloses a slot for depositing mail into the control chamber (paragraph 7, Fig's. 3-9).

As per claim 9, Alden discloses means for closing the slot when the mail in the control chamber is suspected of containing life harming substances (paragraph 7, Fig's. 3-9).

As per claim 10, Alden discloses indicating a message indicating the status of the receptacle (paragraph 7, Fig's. 3-9).

As per claim 11, Alden discloses wherein the data center correlates the recipient address of the mail with unique information contained in the postal indicia (abstract, paragraph 21, Fig's. 3-9).

As per claim 17, Alden discloses wherein the mailer's unit includes means for automatically transmitting information to the data center at predetermined intervals (abstract, paragraph 17, Fig's. 3-9).

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As per claim 18, Alden discloses wherein the receptacle includes means for automatically transmitting information to the data center at predetermined intervals (abstract, paragraph 17, Fig's. 3-9).

As per claim 19, Alden discloses wherein the postal indicia is on a label that is affixed to the mail piece (abstract, paragraph 17, Fig's. 3-9).

As per claim 20, Alden discloses wherein the postal indicia is printed on a piece of paper that may be seen through an envelope forming the mail piece (abstract, paragraph 17, Fig's. 3-9).

As per claim 22, Alden discloses wherein the unique information is printed in an area other than the indicia area of the mail piece (abstract, paragraph 17, Fig's. 3-9).

As per claim 24, Alden discloses wherein the mailer's units are digital processors (abstract, paragraph 17, Fig's. 3-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Bobrow et al., U.S. patent application publication

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2002/0079371. Alden discloses a mail monitoring system as described above.

Alden does not disclose wherein the mailer's unit includes the **time** and **date** that the postal indicia was affixed to the mail in the unique information contained in the postal indicia. Bobrow et al. discloses wherein the mailer's unit includes the **time** and **date** that the postal indicia was affixed to the mail in the unique information contained in the postal indicia (paragraph 133, fig's. 2 and 4). It would have been obvious to modify Alden to include **time** and **date** such as that taught by Bobrow et al. in order to use more specific tools in the process of identifying a certain piece of mail.

As per claim 13, Alden further discloses other information regarding the mail piece in the unique information contained in the postal indicia (paragraph 17, fig's. 3-9).

As per claim 14, Alden further discloses means for comparing information received from the mailer's unit with information received from one of the receptacle units (abstract, paragraph 17, fig's 3-9).

As per claim 15, Alden further disclose means for comparing other information received from the mailer's unit with information received from one of the receptacle units (abstract, paragraph 17, fig's 3-9).

As per claim 16, Alden further discloses means for informing the post of possibility of the presence of life harming material in the mail (abstract, paragraph 17, fig's 3-9).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1

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above, and further in view of Rangan et al., U.S. patent application publication 2005/0034055. Alden discloses a mail monitoring system as described above. Alden does not disclose information being encrypted. Rangan et al. discloses encrypted information (paragraph 91). It would have been obvious to modify Alden to include encrypted information such as that taught by Rangan et al. in order to hide the true meaning of the information discloses.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Bookner, U.S. patent 6,842, 742. Alden discloses a mail monitoring system as described above. Alden does not disclose digital postage meter units. Bookner discloses digital postage meter units. It would have been obvious to modify Alden to include digital postage meter units such as that taught by Bookner in order to precisely measure the postage of the mail to categorize each mail accordingly.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/015464 and claims 1 and 3-16 of copending Application No. 10/015469. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

- a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail;

- a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

- a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 09/683380 and over claims 1-8 of copending

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Application 09/683381. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail;

a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,754,366. Although the conflicting claims are not identical, they are not patentably distinct from each other because both disclose a mail monitoring system, said system comprises:

a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail;

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a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

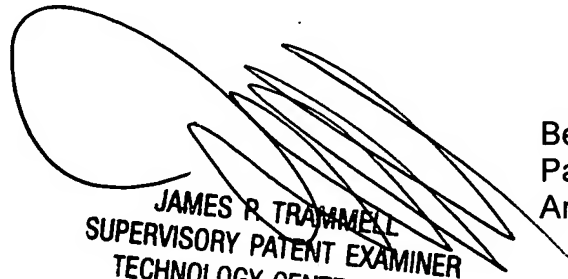
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 703-305-0530. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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